Acknowledgment and Notice of Acknowledgment of Acceptance of R.S. 2477 Right-of-Way Grant

Ent 251438 Bk 430 Pg 796
Date: 12-MAY-2008 10:47AM
Fee: None
Filed By: CT
LES BARKER, Recorder
GARFIELD COUNTY CORPORATION
For: GOVERNOR/STATE OF UTAH

#### THE STATE OF UTAH

# TO ALL WHOM THESE PRESENTS SHALL COME, Greeting:

**Know ye,** This is an Acknowledgment and Notice of Acknowledgment made under Utah Code Sections 72-5-309 through 310 inclusive, that the grant of the United States of America of "the right of way for the construction of highways over public lands, not reserved for public uses" under United States Revised Statutes 2477 (43 U.S.C. Section 932 (repealed October 21, 1976, with proviso recognizing the validity of rights-of-way already established)) was accepted for and on behalf of the State of Utah and its political subdivision Garfield County as it pertains to the highway located in Garfield County known as HILLSDALE EAST BENCH ROAD; County Road Number: 1255; State Geographic Information Database (SGID) Road Identification Number: RD090126. Total road length is 2.54 miles more or less.

The reason for this Acknowledgment and Notice of Acknowledgment includes, but is not limited to, the fact that the road was constructed, mechanically, or by continuous use as a public highway for a period of at least ten years, over public lands not reserved for public uses, prior to the earlier of (a) the October 21, 1976 repeal of R.S. 2477 or (b) the date the servient estate was reserved for public uses.

This Acknowledgment and Notice of Acknowledgment applies only to the segments of the road that traverse land owned by the Bureau of Land Management, United States Department of the Interior, and does not apply to segments of the road that traverse land owned by any other person or entity. The State of Utah and its political subdivisions reserve the right to make further acknowledgments and notices of acknowledgment with regard to road segments that traverse land owned by other entities, including the United States of America, through one or more of its agencies.

A printed copy of a map showing the location of the road in said county is appended hereto as "Attachment 1," a printed copy of representative photos of the road is appended hereto as "Attachment 2," a printed copy of a description of the beginning and ending points of the entire road together with a list of Townships, Ranges and Sections that may be traversed by the road in said county is appended hereto as "Attachment 3," and a printed copy of the Road Centerline Description Cover Page(s) is appended hereto as "Attachment 4." The Appendices listed in "Attachment 4" that contain the actual road centerline descriptions are incorporated herein by reference. Affidavits provided by individuals familiar with the road are appended hereto as "Attachment 5."

A printed copy of this Acknowledgment and Notice of Acknowledgment, together with its Attachments and Appendices, may be viewed and/or obtained at the office of the Utah State Archives.

An electronic copy of this Acknowledgment and Notice of Acknowledgment, together with its Attachments and Appendices, may be viewed and/or downloaded as read-only PDF (Portable Document Format) files via the

FinalNotice

Page 1 of 2 SGID Road Identification Number RD ID: RD090126

Internet at http://recorded2477roads.utah.gov.

The owner of the servient estate in the land underlying the road-segments subject to this Acknowledgment and Notice is believed to be the United States of America through one or more of its agencies. Any of such agencies or any other person with a servient ownership claim or a competing dominant estate right-of-way ownership claim, may file a petition in the State District Court for Salt Lake County for a decision regarding the correctness of this Acknowledgment. A claimant shall file a petition within sixty (60) days after receipt of this Notice.

**In Witness Whereof**, I, John Harja, the official designee of the Governor of the State of Utah, in conformity to the laws of the State (Utah Code Sections 72-5-308 through 310 inclusive), have caused this Acknowledgment and Notice of Acknowledgment to be made.

Signed by my hand in Salt Lake City, Utah, the 23 day of Apric, 200 8.

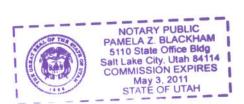
By the Governor's Designee

John Harja

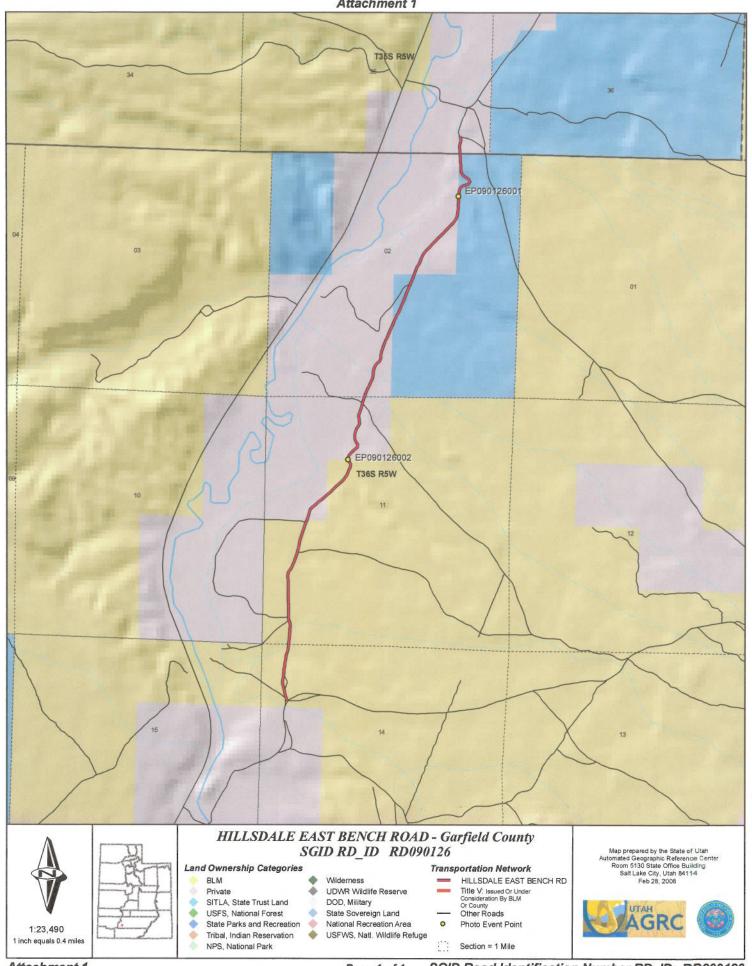
# CERTIFICATION

State of Utah	)	
	:	S
County of Salt Lake	)	

I hereby certify that the signer of the foregoing document, John Harja, is personally known by me, has made a voluntary signature and taken an oath stating that he is the official designee of the Governor of the State of Utah and is authorized to sign this document on the Governor's behalf pursuant to Utah Code Section 72-5-309. He further vouched that, based upon information and belief, the facts alleged therein are true.



Panela 3. Blacklan





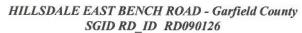


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Map prepared by the State of Utah Automated Geographic Reference Center Room 5130 State Office Building Salt Lake City, Utah 84114 February 29, 2008



#### Attachment 3

# Beginning & Ending Points and Township, Range, and Section References For:

Popular Name: HILLSDALE EAST BENCH ROAD

County: Garfield

County Road Number: 1255

State Geographic Information Database (SGID) Road Identification Number: RD090126.

Total Road Length: 2.54 miles more or less.

Beginning at a point on the road centerline located at 37 degrees 41 minutes 02.37 seconds North Latitude and -112 degrees 23 minutes 35.66 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,381,933.1 feet and Y = 10,214,160.0 feet based on the US Survey Foot conversion.

Ending at a point on the road centerline located at 37 degrees 43 minutes 01.59 seconds North Latitude and -112 degrees 22 minutes 52.45 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,385,520.4 feet and Y = 10,226,185.2 feet based on the US Survey Foot conversion.

# This road may traverse:

Township 35 South Range 5 West, Section(s) 35, Salt Lake Base & Meridian Township 36 South Range 5 West, Section(s) 2,11,14, Salt Lake Base & Meridian See Attachment 1 above for a cartographic depiction of the course of this road.

# Attachment 4 Road Centerline Description Cover Page(s)

Popular Name: HILLSDALE EAST BENCH ROAD

County: Garfield

County Road Number: 1255

State Geographic Information Database (SGID) Road Identification Number: RD090126.

Total Road Length: 2.54 miles more or less.

Centerline Descriptions Of Road-Segments That Cross Over Federally Owned Land, Derived From Global Positioning System Data And Cross-checked against USGS Digital Orthophoto Quadrangles Compiled By The Utah Automated Geographic Reference Center And Entered Into The State Geographic Information Database (SGID).

Road-Segments Listed by SGID Road Identification Number (RD ID)	Road-Segment Numbers	Believed Ownership Of Servient Estate	Approximate Segment Length	See Attached Appendix
RD090126	001	BLM	0.75 Miles	A
RD090126	002	PVT	0.13 Miles	(not shown)
RD090126	003	BLM	0.18 Miles	В
RD090126	004	PVT	0.59 Miles	(not shown)
RD090126	005	ST	0.23 Miles	(not shown)
RD090126	006	PVT	0.3 Miles	(not shown)
RD090126	007	ST	0.28 Miles	(not shown)
RD090126 008	008	PVT	0.07 Miles	(not shown)
		Total Road Length	2.54	

<sup>\*</sup> Indicates that a Title V permit will be requested, is in process, or has been issued.

<sup>†</sup> Indicates that road-segments crossing Forest Service land are under consideration by the state and county as of the date of this Acknowledgment and Notice of Acknowledgment.

# Attachment 5

#### AFFIDAVIT OF STANLEY HUNTINGTON

#### HILLSDALE EAST BENCH ROAD

#### **COUNTY ROAD NUMBER 1255**

## GARFIELD COUNTY, UTAH

State of Utan	)	
	: ss.	
County of Garfield	)	

CL . CTT. 1

STANLEY HUNTINGTON, being first duly sworn, deposes and states as follows:

- I am an adult competent to testify about the matters set forth below based upon my personal knowledge. I have lived in Garfield County for 26 years.
- 2. I have traveled and am familiar with a road in Garfield County known as Hillsdale East Bench Road. I am also familiar with the land the road traverses. When I first used and observed the road in 1955, it followed the same route as in 2007 when I last observed it. Attached is a Garfield County map showing Hillsdale East Bench Road. To the best of my knowledge and based upon my use of and familiarity with this road and the land it traverses, the location and route of the road are correctly illustrated on the attached map. The County also identifies this road according to the road number listed above.
- 3. I have observed that the road has been open to the public for all to use, to come and go as they pleased, since at least as early as 1955 and continuing through 1976 to 2007. Throughout this time period I have observed travel on the road by various means, including cars, trucks, maintenance vehicles, jeeps and ATV's. Throughout this time period, the road has been used weekly, weather permitting, for more than ten continuous years prior to 1976, and was used weekly, weather permitting, in 2007.

- 4. Throughout the time period from 1955 to 2007, I have used the road myself for wood gathering, hunting, trapping and traveling in and through the area.
- 5. Throughout the time period described in the previous paragraph, I observed vehicles using the road at various times for the uses described in the previous paragraph, plus camping, farming, livestock operations, recreation, rock hounding and government access.
- 6. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as the early 1900s and continuing through 1976 to the present, for the uses described in the previous paragraphs.
  - 7. Prior to 1976, I observed the graded surface of theroad.

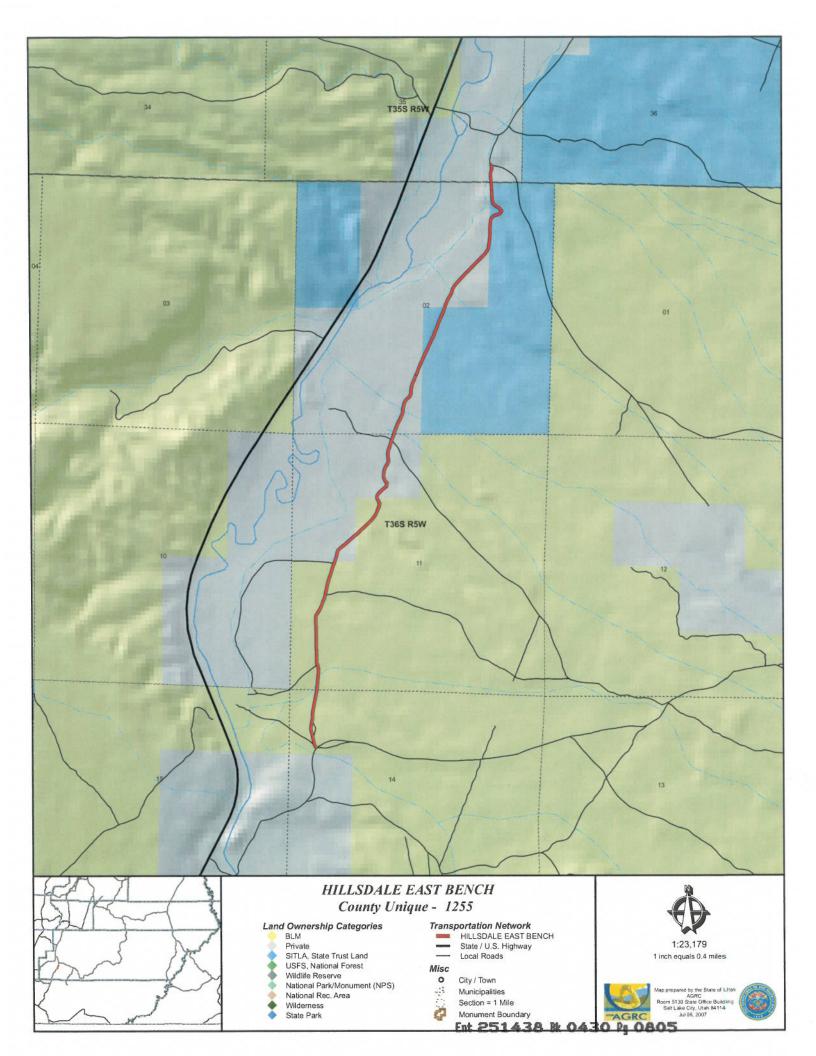
Dated this 2 day of July, 2007.

STANLEY HUNTINGTON

SUBSCRIBED AND SWORN to before me this 12th day of July, 2007.

Notary Public
GLORIA SCHRADER
5110 State Office Bidg.
Salt Lake City, UT 84114-2477
My Commission Expires
October 10, 2008
State of Utah

Morca Schrader NOTARY PUBLIC



#### AFFIDAVIT OF LOWELL HUNTINGTON

# HILLSDALE EAST BENCH ROAD

#### **COUNTY ROAD NUMBER 1255**

## GARFIELD COUNTY, UTAH

State of Utah	)
	: ss.
County of Garfield	)

LOWELL HUNTINGTON, being first duly sworn, deposes and states as follows:

- I am an adult competent to testify about the matters set forth below based upon my personal knowledge. I have lived in Garfield County for 62 years.
- 2. I have traveled and am familiar with a road in Garfield County known as Hillsdale East Bench Road. I am also familiar with the land the road traverses. When I first used and observed the road in 1952, it followed the same route as in 2007 when I last observed it. Attached is a Garfield County map showing Hillsdale East Bench Road. To the best of my knowledge and based upon my use of and familiarity with this road and the land it traverses, the location and route of the road are correctly illustrated on the attached map. The County also identifies this road according to the road number listed above.
- 3. I have observed that the road has been open to the public for all to use, to come and go as they pleased, since at least as early as 1952 and continuing through 1976 to 2007. Throughout this time period I have observed travel on the road by various means, including cars, trucks, maintenance vehicles, jeeps and ATV's. Throughout this time period, the road has been used daily for more than ten continuous years prior to 1976, and was used daily in 2007.

- 4. Throughout the time period from 1952 to 2007, I have used the road myself for wood gathering, hunting, prospecting for minerals, trapping and traveling in and through the area.
- 5. Throughout the time period described in the previous paragraph, I observed vehicles using the road at various times for the uses described in the previous paragraph, plus camping, mining, farming, livestock operations, rock hounding and government access.
- 6. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as the early 1940s and continuing through 1976 to the present, for the uses described in the previous paragraphs.
- 7. Prior to 1976, I observed graders performing maintenance and construction activities on the road.

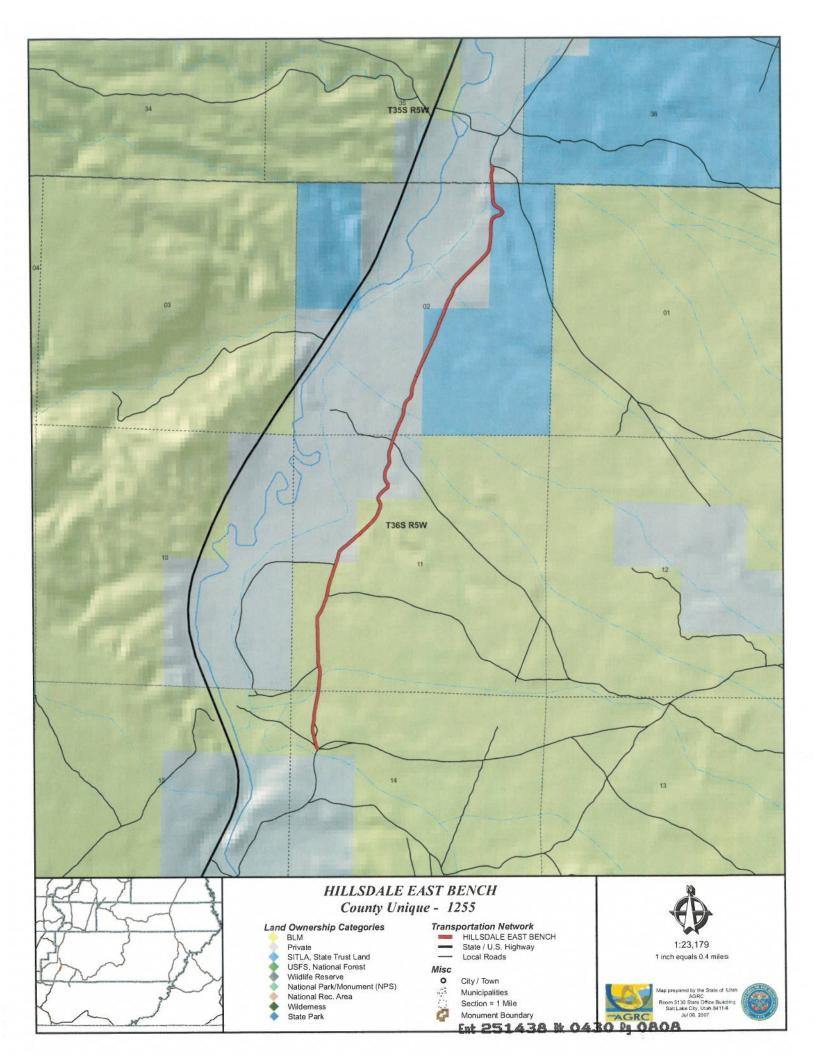
Dated this day of July, 2007.

LOWELL HUNTINGTON

SUBSCRIBED AND SWORN to before me this q the day of July, 2007.

Notary Public
GLORIA SCHRADER
5110 State Office Bidg.
Salt Lake City. UT 84114-2477
My Commission Expires
October 10, 2008
State of Utah

Morca Schrader NOTARY PUBLIC



# Appendix A to Attachment 4

Popular Name: HILLSDALE EAST BENCH ROAD

County: Garfield

County Road Number: 1255

State Geographic Information Database (SGID) Road Identification Number: RD090126.

Road-Segment Number: 001

Road-Segment Length: 0.75 miles more or less.

Believed owner of the land underlying this road-segment is: Bureau of Land Management.

The following description is based upon the geographic coordinate system using the NAD83 Datum. The source is GPS mapping grade data as indicated in the metadata and/or the transportation data model of the State of Utah Geographic Information Database (SGID).

The road-segment itself is the monument that is identified by its physical presence on the land. The location of said physical presence is closely approximated by mapping grade Global Positioning System (GPS) data. Said data are checked against the corresponding gray-scale 1-meter Digital Orthophoto Quadrangles published by the United States Geological Survey (USGS) to verify a reasonable degree of accuracy. In circumstances where accurate satellite signal acquisition is not possible, such as deep, narrow canyons or under a canopy of dense foliage, or where very sharp curves in the road make accuracy questionable, such portions of the road were digitized from the corresponding gray-scale 1-meter Digital Orthophoto Quadrangles published by the United States Geological Survey (USGS).

This road-segment may traverse:

Township 36 South Range 5 West, Section(s) 11,14, Salt Lake Base & Meridian

The following description closely approximates the location of the centerline of the physical monument (HILLSDALE EAST BENCH ROAD)-- Segment 001 based on mapping grade Global Positioning System (GPS) data as defined above:

Beginning at a point on the road center line located at 37 degrees 41 minutes 02.37 seconds North Latitude and -112 degrees 23 minutes 35.66 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,381,933.1 feet and Y = 10,214,160.0 feet; thence the following courses along the said road center line:

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thence North 45 Degrees 18 Minutes 16 Seconds West 36.2 feet thence North 28 Degrees 40 Minutes 24 Seconds West 18.6 feet thence North 20 Degrees 37 Minutes 39 Seconds West 37.8 feet thence North 13 Degrees 59 Minutes 27 Seconds West 65.2 feet thence North 12 Degrees 34 Minutes 53 Seconds West 64.8 feet thence North 13 Degrees 32 Minutes 42 Seconds West 74.5 feet thence North 14 Degrees 41 Minutes 09 Seconds West 66.1 feet thence North 07 Degrees 41 Minutes 09 Seconds West 61.2 feet thence North 04 Degrees 36 Minutes 09 Seconds East 65.2 feet thence North 11 Degrees 31 Minutes 00 Seconds East 72.1 feet thence North 06 Degrees 36 Minutes 24 Seconds East 10.9 feet
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thence North 07 Degrees 59 Minutes 33 Seconds East 63.7 feet
thence North 02 Degrees 48 Minutes 12 Seconds East 72.6 feet
thence North 06 Degrees 49 Minutes 13 Seconds East 71.4 feet
thence North 08 Degrees 28 Minutes 50 Seconds East 73 feet
thence North 08 Degrees 25 Minutes 21 Seconds East 75.7 feet
thence North 10 Degrees 54 Minutes 13 Seconds East 72.6 feet
thence North 13 Degrees 32 Minutes 36 Seconds East 72.7 feet
thence North 11 Degrees 56 Minutes 57 Seconds East 74.2 feet
thence North 08 Degrees 36 Minutes 00 Seconds East 72.1 feet
thence North 04 Degrees 46 Minutes 30 Seconds East 13.3 feet
thence North 04 Degrees 46 Minutes 29 Seconds East 60.8 feet
thence North 04 Degrees 31 Minutes 20 Seconds East 74.1 feet
thence North 06 Degrees 07 Minutes 14 Seconds East 73.3 feet
thence North 05 Degrees 35 Minutes 32 Seconds East 70.3 feet
thence North 03 Degrees 30 Minutes 34 Seconds East 64.1 feet
thence North 03 Degrees 55 Minutes 54 Seconds East 53.3 feet
thence North 02 Degrees 55 Minutes 26 Seconds West 50.3 feet
thence North 16 Degrees 40 Minutes 29 Seconds West 54.7 feet
thence North 17 Degrees 10 Minutes 23 Seconds West 53.1 feet
thence North 04 Degrees 55 Minutes 09 Seconds West 73.4 feet
thence North 00 Degrees 18 Minutes 16 Seconds West 81.7 feet
thence North 00 Degrees 18 Minutes 16 Seconds West 81.4 feet
thence North 01 Degrees 01 Minutes 14 Seconds West 78.8 feet
thence North 00 Degrees 45 Minutes 14 Seconds West 83.7 feet
thence North 01 Degrees 26 Minutes 28 Seconds West 82.7 feet
thence North 02 Degrees 08 Minutes 14 Seconds West 82.1 feet
thence North 01 Degrees 13 Minutes 43 Seconds West 81.4 feet
thence North 00 Degrees 18 Minutes 16 Seconds West 78.8 feet
thence North 01 Degrees 06 Minutes 14 Seconds West 70.6 feet
thence North 02 Degrees 46 Minutes 13 Seconds West 68.6 feet
thence North 03 Degrees 13 Minutes 31 Seconds West 64.4 feet
thence North 12 Degrees 50 Minutes 24 Seconds East 56.3 feet
thence North 31 Degrees 43 Minutes 56 Seconds East 63.1 feet
thence North 30 Degrees 39 Minutes 32 Seconds East 76.5 feet
thence North 24 Degrees 42 Minutes 43 Seconds East 81.5 feet
thence North 21 Degrees 42 Minutes 23 Seconds East 83.2 feet
thence North 20 Degrees 21 Minutes 03 Seconds East 88.4 feet
thence North 16 Degrees 07 Minutes 14 Seconds East 59.2 feet
thence North 16 Degrees 07 Minutes 02 Seconds East 32.5 feet
thence North 12 Degrees 08 Minutes 05 Seconds East 91.4 feet
thence North 10 Degrees 57 Minutes 46 Seconds East 87.3 feet
thence North 13 Degrees 47 Minutes 27 Seconds East 76.8 feet
thence North 16 Degrees 22 Minutes 13 Seconds East 74.3 feet
thence North 17 Degrees 26 Minutes 56 Seconds East 78.6 feet
thence North 18 Degrees 07 Minutes 48 Seconds East 74.7 feet
thence North 17 Degrees 47 Minutes 02 Seconds East 68.7 feet
thence North 18 Degrees 07 Minutes 48 Seconds East 61.2 feet
thence North 21 Degrees 41 Minutes 11 Seconds East 18.4 feet
thence North 20 Degrees 53 Minutes 53 Seconds East 40.8 feet
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thence North 20 Degrees 42 Minutes 44 Seconds East 34.1 feet more or less to **the ending point at:** 37 degrees 41 minutes 40.45 seconds North Latitude and -112 degrees 23 minutes 31.44 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,382,309.5 feet and Y = 10,218,008.8 feet.

#### Appendix B to Attachment 4

Popular Name: HILLSDALE EAST BENCH ROAD

County: Garfield

County Road Number: 1255

State Geographic Information Database (SGID) Road Identification Number: RD090126.

Road-Segment Number: 003

Road-Segment Length: 0.18 miles more or less.

Believed owner of the land underlying this road-segment is: Bureau of Land Management.

The following description is based upon the geographic coordinate system using the NAD83 Datum. The source is GPS mapping grade data as indicated in the metadata and/or the transportation data model of the State of Utah Geographic Information Database (SGID).

The road-segment itself is the monument that is identified by its physical presence on the land. The location of said physical presence is closely approximated by mapping grade Global Positioning System (GPS) data. Said data are checked against the corresponding gray-scale 1-meter Digital Orthophoto Quadrangles published by the United States Geological Survey (USGS) to verify a reasonable degree of accuracy. In circumstances where accurate satellite signal acquisition is not possible, such as deep, narrow canyons or under a canopy of dense foliage, or where very sharp curves in the road make accuracy questionable, such portions of the road were digitized from the corresponding gray-scale 1-meter Digital Orthophoto Quadrangles published by the United States Geological Survey (USGS).

This road-segment may traverse:

Township 36 South Range 5 West, Section(s) 11, Salt Lake Base & Meridian

The following description closely approximates the location of the centerline of the physical monument (HILLSDALE EAST BENCH ROAD)-- Segment 003 based on mapping grade Global Positioning System (GPS) data as defined above:

Beginning at a point on the road center line located at 37 degrees 41 minutes 45.75 seconds North Latitude and -112 degrees 23 minutes 26.22 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,382,733.6 feet and Y = 10,218,540.2 feet; thence the following courses along the said road center line:

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thence North 48 Degrees 03 Minutes 42 Seconds East 59.5 feet thence North 47 Degrees 08 Minutes 21 Seconds East 76.2 feet thence North 46 Degrees 04 Minutes 02 Seconds East 77.5 feet thence North 46 Degrees 48 Minutes 11 Seconds East 75.7 feet thence North 47 Degrees 27 Minutes 15 Seconds East 77.1 feet thence North 47 Degrees 38 Minutes 59 Seconds East 72 feet thence North 40 Degrees 23 Minutes 26 Seconds East 64.9 feet thence North 34 Degrees 30 Minutes 36 Seconds East 69.5 feet thence North 27 Degrees 14 Minutes 14 Seconds East 68.8 feet thence North 22 Degrees 26 Minutes 17 Seconds East 70.4 feet thence North 22 Degrees 49 Minutes 08 Seconds East 66 feet
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thence North 07 Degrees 00 Minutes 03 Seconds East 64.5 feet thence North 24 Degrees 36 Minutes 02 Seconds West 63 feet thence North 27 Degrees 33 Minutes 36 Seconds West 48.7 feet

thence North 06 Degrees 05 Minutes 53 Seconds West 17.4 feet more or less to the ending point at: 37 degrees 41 minutes 53.44 seconds North Latitude and -112 degrees 23 minutes 20.79 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,383,177.5 feet and Y = 10,219,313.8 feet.